



City of Carmel

MINUTES*

Carmel Board of Zoning Appeals

Regular Meeting

Monday, February 22, 2010

6:00 PM

Council Chambers

Present: James Hawkins, President
Kent Broach
Leo Dierckman
Earlene Plavchak
Rick Ripma, Alternate
Connie Tingley, Recording Secretary

Staff members in attendance: Mike Hollibaugh, Director, Department of Community Services
Christine Barton-Holmes, Planning Administrator

Legal Counsel: John Molitor

Previous Minutes

- The Minutes for the meeting dated January 26, 2010 were approved as submitted.

Department Report: Christine Barton-Holmes

- Item 3, Meridian & Main tabled until March 22, 2010
- Item 4-11, Home Place Monon Gardens tabled until March 22, 2010
- Item 12-22, Long Branch Market w/Kroger (Altum's site) tabled until March 22, 2010
- Item 1i, 646 Johnson Drive Appeal tabled indefinitely

Legal Report: John Molitor

- Settlement discussions continue for cell tower on Towne Road
 - Decision point in next few days
 - Need Executive Session next month

Public Hearing:

1. PFM Car & Truck Care Center

The applicant seeks the following use variance approval:

Docket No. 09120011 UV PUD Z-500-06 Vehicle repair not permitted in PUD

The site is located at 1441 South Guilford Avenue on 6.45 acres and is zoned PUD.

Filed by Jon Dobosiewicz of Nelson & Frankenberger, LLC for Five J LLC.

*Limited audio and video available

Present for the Petitioner:

Jon Dobosiewicz and Jim Shinaver, Nelson & Frankenberger; **John Neely**, PFM; **Jim Shields**, Weihe Engineers and **Doug Beamer**, T&W building contractor

- Location indicated
- Former PSI/Cinergy fleet maintenance facility (currently Duke Energy)
- I-1 zoning before rezoned as part of Park Place PUD
- 19,000 square feet existing
- 4,200 square feet proposed addition
- Retail and commercial store fronts
- Photos of building and surrounding area shown
- Duke distribution center remains; north of this parcel
- Landscaping plan shown; approved January Special Studies meeting
 - Berm raised with trees on top
 - Mounding will be re-sculpted along front and parking area
 - Proposed mound on north property edge
 - Additional 53 evergreen and shade trees for buffer
- Elevations approved January Special Studies meeting
- Two overhead doors used for customers
- Service area in back of building
- Building designed to be complimentary to area buildings
- Copy of Equicor letter of support given to Board members

Remonstrance:

Dave Coots, Coots Henke & Wheeler, representing The Barrington of Carmel

- Request does not meet Findings of Fact
 - Based on what used to occur in the building
- Permitted uses in PUD are for indoor uses
 - Auto shop would have outdoor storage of vehicles waiting for parts or pickup
- Barrington is north of proposed development
 - Pre-sales required for construction financing
 - Construction to begin in less than six months
- Park Place PUD Amendment (Z-521-08) added parcels 2 and 3: PSI/Cinergy properties with Duke Energy participation
 - Parcel 3 permitted uses include indoor equipment sales/repair
 - Mr. Neely's other locations include truck, collision and outdoor storage/work
 - Auto repair not compatible; permitted in other zoning classifications
- Photo shown of unobstructed view from Barrington
 - No landscape buffer at this time
- Negative impact on neighboring properties
 - Garage doors open during summer hours
 - Noise pollution

Mark Henderson, 11541 Woodview Drive East

- Concerned with commercial development in neighborhood
- PSI had been inconspicuous with no night lights
- Two-story buildings at Guilford and College negative impact
 - Flood lights come into subdivision

- Diminish property values
- Homes in area hard to sell

Rebuttal:

Jon Dobosiewicz

- Distributed pamphlet to Board with additional information
- Equipment sales/repair permitted; including farm equipment, heavy machinery, etc.
- Duke Energy property between PFM and Barrington
- Barrington 450 feet from PFM and 150 feet from Duke Energy
- Barrington removing their tree buffer
- PFM enhancing their buffer with proposed additional mound
 - Buffering and transition above and beyond City requirements, per Scott Brewer, Urban Forester
- Mr. Henderson referring to Equicor development
- Compatible use and re-use of existing building

Public Hearing closed

Department Report:

Christine Barton-Holmes

- Rezoned from I-1 to restrict uses
- Proposed use less intense and more suitable than other permitted uses
- Scott Brewer reviewed landscape plans; exceeds requirements

Department recommended positive consideration.

Discussion:

- Only oil changes, tires etc. for cars and small trucks at this location
- Cannot keep garage doors closed during summer months because of fumes, heat, etc.
- Additional evergreens could be provided for buffering
- Duke Energy participated in PUD and schedule of uses
- Barrington \$55 million project
 - Senior and assisted living facility
 - South two-story building for nursing home and assisted living closest to PFM
 - 15-foot site line from second floor
- Could be developed by someone without variances
- Landscaping berms identified on location map
 - 14-foot buffer should block second floor view
 - Will provide more buffer as trees mature
- Current tree line more deciduous than evergreen
- Everyone assuming Duke Energy landscape buffer will remain
- Barrington will landscape along multi-purpose path
- Any commercial development would have outdoor dumpsters, storage, etc.
- Neighbors near other PFM sites do not complain
- Noise does not carry across parking lot
- Less impact than strip mall
- Other industrial uses (Duke Energy power station and Telemon) already in existence

- Duke used current site for office and some truck repair; garage doors for entrance and exit
- Hours of operation 7:00 am to 7:00 pm Monday through Friday; 8:00 am to 4:00 pm Saturdays
- Earnest money involved
- More property than needed for PFM
 - Prime for development if economy improves

Motion: On a motion made by James Hawkins and seconded by Rick Ripma:

Docket No. 09120011 UV PFM Car & Truck Care Center be approved with Commitments:

1) no class 8 trucks (semis or higher); 2) no collision repair; 3) additional landscaping and 4) garage doors closed between 8:00 pm and 8:00 am..

MOTION APPROVED 4-1 (Dierckman negative vote)

2. IMPA Renewable Energy Project

The applicant seeks the following special use approval:

Docket No. 09120016 SU 25.13.01.A Tower in business district

The site is located at 11610 North College Avenue on 3.94 acres and is zoned B6/Office/Commercial.

Filed by Scott Perkins of Perkins VonDeylen Architects for the Indiana Municipal Power Authority.

Present for the Petitioner:

Joe Calderon, Bose, McKinney & Evans; **Scott Schafer**, Perkins VonDeylen Architects Project Director; and **Philip Lopresto**, ISC Distribution Engineer

- Compatible with neighborhood and community
- Used as demonstration unit for potential clients
- 25.5-foot tower
- B-6 zoning permits 100-foot buildings
- Aerial site photos of existing conditions
 - Location of wind turbine on parcel
 - In middle of 15-foot area with surrounding landscaping
- Noise level less than conversation
- Precursor to future global energy development
- No cost to community for services
- Power shut-off labeled for Carmel Fire Department

Public Hearing closed

Department Report:

Christine Barton-Holmes

- Special Use process needed for any towers
- Visible traveling north at 116th Street and College
- Modified to just over 20 feet
- Buildings permitted at 100 feet

Department recommended positive consideration.

Discussion:

- Model size for residential service
- White fiberglass composite material or silver steel pole

- Piece of sculpture on top of flagpole
 - Sculpture sets above 18-foot flagpole
- Turbine supplements electricity
 - Goal to reduce energy usage 10 percent by generating own power
- Can be building or tower mounted
- Cell towers can be 100 feet
- Most flagpoles are 20 to 25 feet; 40-foot on a previous building
- Visual pollution
- Danger of kids trying to climb pole
- This would be used for demonstration purposes only

Motion: On a motion made by James Hawkins and seconded by Kent Broach:

Docket No. 09120016 SU, Renewable Energy Project be approved.

MOTION APPROVED 3-2 (Dierckman and Ripma negative votes)

3. Meridian & Main TABLED UNTIL MARCH 22, 2010

The applicant seeks the following development standards variance approvals and use variance approval:

Docket No. 09050012 V 23B.08.03.A.1 Building height under 26'/one occupiable floor

The site is located at 1440 Main Street West and is zoned B6 within the US 31 Overlay.

Filed by Joseph Scimia of Baker & Daniels and James Browning of Browning Investments for Meridian 131, LLC.

4-11. Home Place, Lots 26,26,40,47,48,100 (The Monon Gardens) TABLED UNTIL MARCH 22, 2010

The applicant seeks the following use variance and development standards variance approvals:

Docket No. 09110001 UV Section 9.01.01: permitted uses; to permit multi-family uses on multiple lots

Docket No. 09110002 V Section 9.04.03.F: exceeding maximum 35% lot coverage per lot

Docket No. 09110003 V Section 9.04.03.D.1: reducing rear setback from 20' to 5' & 10' per lot

Docket No. 09110004 V Section 9.04.03.G: minimum ground floor area, 800 s.f/dwelling

Docket No. 09110005 V Section 9.04.3.a: reducing front setbacks from 30' to 10' per lot per frontage

Docket No. 09110006 V Section 26.02.05: distance btwn multi-family buildings on same lot

Docket No. 09110007 V Section 26.04.06: reduction of perimeter bufferyards for overall development

The site is located near 10505 Cornell Ave. and is zoned R-3/Residence within the Home Place Overlay.

Filed by Scott Leopold of Leopold Building Group.

12-22. Long Branch Market w/ Kroger (Altum's site) TABLED UNTIL MARCH 22

The applicant seeks the following development standards variance approvals:

Docket No. 09110015 V Section 23C.03.B: maximum 75% gross floor area permitted for retail uses

Docket No. 09110016 V Section 23C.08.02: maximum building setback from US 421 right of way

Docket No. 09110017 V Section 25.07.02-08.b: Frontage on a public street

Docket No. 09110018 V Section 25.07.02-08.b: three signs for a single tenant building (anchor tenant)

Docket No. 09110019 V Section 25.07.02-08.b: three signs facing west (anchor tenant)

Docket No. 09110020 V Section 25.07.02-08.c: maximum sign area (anchor tenant)

Docket No. 09110021 V Section 25.07.02-8.G: type of changeable copy for a sign

Docket No. 09110022 V Section 25.07.02-11.g: copy, multi-tenant building complex directory sign

Docket No. 09110023 V Section 25.07.02-11.d: maximum height of multi-tenant building complex sign

Docket No. 09110024 V Section 23C.03.B: drive-thru location on buildings

Docket No. 09110025 V Section 23C.14.07: perimeter fence design

The site is located at 11335 N. Michigan Rd. It is zoned B-3/Business and located within the US 421/Michigan Rd. Overlay Zone. Filed by Robert Barker of Zinkan & Barker Development Co., LLC.

I. Old Business

1i. 646 Johnson Drive Appeal TABLED INDEFINITELY

The applicant seeks the following permit issuance appeal:

Docket No. 09020014 Appeal Appeal of Permit No. 09010003 Accessory Structure Size

The site is located at 646 Johnson Drive and is zoned R1/Single-family residential

Filed by: Howard & Holly Green; John & Beryl Colosimo; James & Laura Dunn; Judy Wagner; and Michael & Susan Shaw, neighbors.

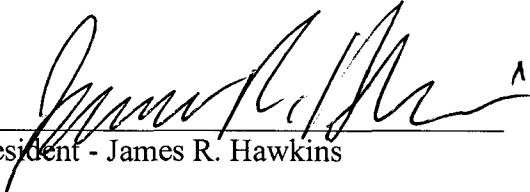
Motion: On a motion made by Leo Dierckman and seconded by James Hawkins:

The Meeting be adjourned.

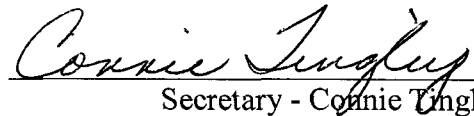
MOTION CARRIED UNANIMOUSLY

The meeting adjourned at 8:10 PM.

Approved this 26th day of April ~~26th~~ 2010.



President - James R. Hawkins



Secretary - Connie Tingley